

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-102-FDW
(3:12-cr-188-FDW-DSC-9)**

JAIMEL KENZIE DAVIDSON,)
)
 Petitioner,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

THIS MATTER is before the Court on its March 4, 2021 Notice of Deficiency requiring Petitioner to pay the filing fee or file an application to proceed *in forma pauperis*, (Doc. No. 2).

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 that was docketed in the instant case on March 4, 2021. (Doc. No. 1). The Clerk of Court mailed Petitioner a Notice of Deficiency that same day, instructing Petitioner to pay the \$5 filing fee or file an *in forma pauperis* application within 21 days. (Doc. No. 2). The Court warned Petitioner that failure to comply may result in the dismissal of this action without prejudice for lack of prosecution. (Doc. No. 2 at 1).

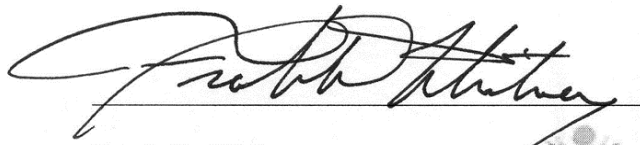
Petitioner has filed an application to proceed *in forma pauperis* or paid the filing fee and the time to do so has expired. Therefore, the case will be dismissed without prejudice for lack of prosecution. Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of

prosecution or violation of a court order); see, e.g., Robinson v. North Carolina, 764 F. App'x 339 (4th Cir. 2019) (affirming the dismissal without prejudice of a § 2241 petition for failure to comply with an order).

IT IS, THEREFORE, ORDERED that:

- (1) This action is **DISMISSED** without prejudice for lack of prosecution.
- (2) The Clerk of this Court is directed to terminate this action.

Signed: April 2, 2021


Frank D. Whitney
United States District Judge

